

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

JERRY GIBBS-CARTER,

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Petitioner,

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v.

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Case No. 5:13-cv-00855-JHH-PWG

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EDWARD POTTER, Warden, et al.,

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Respondents.

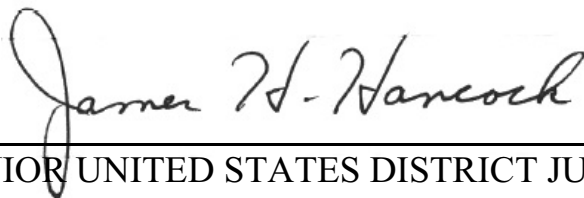
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**MEMORANDUM OPINION**

On November 25, 2013, the magistrate judge notified petitioner, Jerry Gibbs-Carter (“Petitioner”), that his petition invoking 28 U.S.C. § 2254 was deficient, and ordered Petitioner to re-plead within thirty (30) days. (Doc. # 11). In response, Petitioner has filed a pleading styled as an “Answer,” in which Petitioner states that his physical health is too poor to permit him to re-plead. (Doc. # 15). Petitioner’s Answer further purports to “withdraw [the] writ” until his health improves. (*Id.* at 2). To the extent that Petitioner’s Answer is construed as a voluntary motion to dismiss, it is due to be granted.

A separate order will be entered.

**DONE** this the 31st day of December, 2013.




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SENIOR UNITED STATES DISTRICT JUDGE